

image

1651 RCE #  
Mail Stop RCE

**REQUEST FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 09/687,281

Filing Date: October 13, 2000

First Named Inventor: Kim *et al.*

Group Art Unit: 1651

Examiner: J. Weber

Attorney Docket Number: 08702.0071-00000

Attorney Customer Number: 22,852

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 *Fed. Reg.* 14865 (March 20, 2000). *Off. Gaz. Pat. Office* 47 (April 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114: Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, application must request non-entry of such amendment.**

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief of Reply Brief previously filed on [Date] \_\_\_\_\_.
- ii. ☒ Do Not Enter amendments filed in response to final Office Action on October 20, 2003.
- b. ☒ Enclosed:
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement
- iv. ☐ Other \_\_\_\_\_

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of [number] months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other \_\_\_\_\_

**3. Fees**

- a. ☒ The filing fee is calculated as follows:
- i. ☒ \$770.00 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Petition for extension of time for ([number] Months) \$[Fee]
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$770.00 enclosed.
- c. ☒ The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

**Signature of Applicant, Attorney, or Agent Required**

Name: Elizabeth E. McNamee

Reg. No.: 54,696

Signature: *Elizabeth McNamee*

Date: 1/30/04

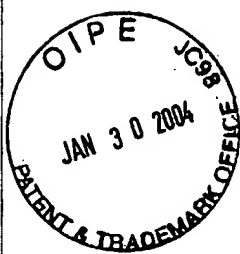
**Certificate of Mailing or Transmission**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, MAIL STOP RCE, P.O. Box 1450, Alexandria, VA. 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: January 30, 2004

Name: Kathleen M. Bastarache

Signature: *K. Bastarache*

Date: 1/30/04



PATENT  
Customer No. 22,852  
Attorney Docket No. 08702.0071-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
KIM et al. ) Group Art Unit: 1651  
)  
Application No.: 09/687,281 ) Examiner: J. Weber  
)  
Filed: October 13, 2000 )  
)  
For: INJECTABLE CARRIER )  
FORMULATIONS OF )  
HYALURONIC ACID )  
DERIVATIVES FOR DELIVERY )  
OF OSTEOGENIC PROTEINS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE AND AMENDMENT UNDER 37 C.F.R. § 1.114**

A Request for Continued Examination is concurrently filed under 37 C.F.R.

§ 1.114. A Notice of Appeal was filed on December 1, 2003. Accordingly this  
Response and Amendment is timely filed.

Prior to the continued examination of this application, please enter the following  
amendments:

**Amendments to the Claims** are reflected in the listing of claims in this paper on  
page 2.

**Remarks/Arguments** follow the amendment sections of this paper at page 4.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com